

## South Dakota Board of Social Work Examiners

[dss.sd.gov/licensingboards/social.aspx](http://dss.sd.gov/licensingboards/social.aspx)

810 N. Main Street, Suite 298

Spearfish, SD 57783

Phone: 605.642.1600

Fax: 605.722.1006

Email: [proflic@rushmore.com](mailto:proflic@rushmore.com)



**Strong Families - South Dakota's Foundation and Our Future**

### DRAFT MEETING AGENDA

#### TELECONFERENCE

South Dakota Board of Social Work Examiners

April 2, 2019-12:00PM CDT/11:00AM MDT

Teleconference with public access at:

Board Office  
629 Main St.  
Spearfish, SD  
605-642-1600

Family Service Inc.  
2210 W. Brown Place  
Sioux Falls, SD  
605-336-1974

The public is invited to attend the meeting via teleconference. Please contact the South Dakota Board of Social Work Examiners at (605)-642-1600 by April 1, 2019, to arrange for teleconference access.

#### Member Listing:

1. Karen Chesley, CSW-PIP, President
2. Michael Forgy, CSW-PIP, Secretary/Treasurer
3. Todd Herrboldt, CSW-PIP, Member
4. Jennifer Gray, CSW-PIP, Member
5. Sharon Stratman, SW, Member
6. David Nielsen, DVM, Lay Member
7. Cindy Steele, Lay Member
8. Vicki Isler, Ed.D., BCBA-D-Applied Behavior Analyst Committee
9. Amber Bruns, MS, BCBA-Applied Behavior Analyst Committee
10. Lisa Stanley, DVM, Lay Member-Applied Behavior Analyst Committee

**Purpose:** The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of social work, including the appropriate resolution of complaints.

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1. Call to Order/Welcome and introductions-Chesley
  2. Roll Call-Chesley
  3. Corrections or additions to the agenda
  4. Approval of the agenda
  5. Public Comment at 12:10 p.m.- *5 minutes for the public to address the Board*
  6. Approval of the minutes from February 5, 2019
  7. FY Financial Update
  8. Supervision of SWA via technology-out of state supervisor-Gray
  9. Update on Senate Bill 31-Background checks
  10. Update on Senate Bill 32-Composition of Board
  11. HB 1111
  12. HB 1155
  13. Any other bills that could affect the Board

14. Funding available to support training and education events for professionals around opioid abuse/misuse in SD
15. Executive Session Pursuant to SDCL 1-25-2
  - a. Complaints/investigations-#265, #266
  - b. Miscellaneous complaints
  - c. Applicant for re-licensure #2017-1
  - d. CSW-PIP Contract Approvals
  - e. CSW-PIP Applicant Approvals
16. Any other business coming in between date of mailing and date of meeting
17. Schedule next meeting date
18. Adjourn

DRAFT

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### DRAFT OFFICIAL BOARD MINUTES

#### Teleconference

February 5, 2019-12:00PM CST

Members Present: Karen Chesley, President  
Michael Forgy, Secretary/Treasurer  
Todd Herrboldt, Member (joined at 12:07PM)  
Jennifer Gray, Member  
Sharon Stratman, Member

Members Absent: David Nielsen, Lay Member  
Cindy Steele, Lay Member

**Others Present:** Carol Tellinghuisen, Executive Secretary; Jill Lesselyoung, Executive Assistant; Brooke Tellinghuisen Geddes, Executive Assistant; Amber Bruns, Viki Isler, Lisa Stanley (joined at 12:15PM), ABA Advisory Committee Members; Jessica Tyler, DSS; Christine Knapp, NASW; Kelly Bass, CSW-PIP

**Call to Order/Welcome and Introductions:** President Chesley called the meeting to order at 12:02PM CST.

**Roll Call:** Chesley requested Lesselyoung call the roll. Chesley, yes; Forgy, yes; Gray, yes; Stratman, yes. A quorum was present.

**Corrections or additions to the agenda:** None

**Approval of the agenda:** Stratman made a motion to approve the agenda. Forgy seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Gray, yes; Stratman, yes.

**Public Comment:** Chesley called for any comments from the public. There were no public comments.

**Approval of the Minutes from Board meeting November 21, 2018:** Stratman made a motion to approve the minutes from November 21, 2018. Gray seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Gray, yes; Stratman, yes.

**FY Financial Update:** Lesselyoung reported fiscal year end figures as of June 30, 2018: revenue of \$120,852.43, expenses of \$97,103.37 and cash balance of \$192,442.48 and year to date figures as of December 31, 2018: revenue of \$72,191.80 expenses of \$63,586.31 and cash balance of \$201,047.97.

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Board meeting minutes February 5, 2019**

**Update on Proposed statute change 36-38-25 (criminal background checks), Senate Bill 31.** Tellinghuisen advised the bill passed the legislature.

**Update on Proposed statute change 36-26-3 (composition of Social Work Board), Senate Bill 32:** Tellinghuisen advised the bill was deferred to the house vote on February 5, 2019.

**Medicaid billing by CSW under supervision:** The Board office had discussed with DSS those CSW licensees who had finished the required supervision and were waiting to take the clinical examination. Those licensees were notified that continued supervision is not required for licensure if you have been approved to take the Clinical Exam. However, continued supervision is required if they wish to remain on the list disseminated to DSS as a Medicaid eligible outpatient behavioral health provider.

**Renewal Update:** Tellinghuisen Geddes reported on 2018 renewals. There were 523 licenses that expired on 12/31/2018; 69 did not renew; 106 were sent non-renewal notices; 37 of those renewed. There were 19 new licenses issued since 1/1/2019.

**Mobility-Path to Licensure:** Kelly Bass, CSW-PIP updated the Board on the Path to Licensure. There are approximately 62 total students (42 MSW and 20 BSW) participating this year in the Path to Licensure course. The program includes increased videos that will address each state that will have practicing students after graduation, video and handouts for the exam process, explanation of each exam content, continuing and supervision requirements. There will be three exam preps available by the end of the year. Bass exited the meeting at 12:40PM.

Stanley advised there are a couple of bills dropped related to the ABAs. They address closing a loophole on insurance coverage. The Board briefly discussed. Tellinghuisen advised any further discussion would require contacting DSS and a meeting scheduled to discuss.

**Executive Secretary Contract:** Tellinghuisen asked to renew the contract with a state cost of living increase if implemented. Forgy made a motion to renew the contract as requested. Chesley seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Herrboldt, yes; Gray, yes; Stratman, yes.

**Executive Session Pursuant to SDCL 1-25-2:** Herrboldt made a motion to enter executive session at 12:46PM. Stratman seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Herrboldt, yes; Gray, yes; Stratman, yes. Isler, Bruns, Stanley, Tyler and Knapp exited the meeting. Forgy made a motion to exit executive session at 1:13PM. Stratman seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Herrboldt, yes; Gray, yes; Stratman, yes.

**Complaints/Investigations:** Herrboldt reported #265 as pending. Herrboldt made a motion to dismiss #001ABA as the case is closed per the BACB. Forgy seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Herrboldt, yes; Gray, yes; Stratman, yes.

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Board meeting minutes February 5, 2019**

Applicant supervision request #2019-1: Request to use documented supervision that was not pre-approved. Herrboldt made a motion that applicant be notified he needs to follow rules and law as set up for supervision and submit all required paperwork. Gray seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Herrboldt, yes; Gray, yes; Stratman, yes.

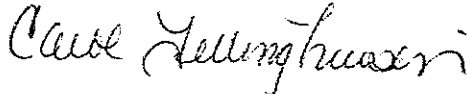
**CSW-PIP Applicant Approval:** No applicants

**Any other business coming in between date of mailing and date of meeting:** There was no other business.

**Schedule next meeting date:** The next regular meeting is set for April 2, 2019 at 12:00PM CDT/ 11:00AM MDT via teleconference.

Herrboldt made a motion to adjourn at 1:18PM CST. Stratman seconded the motion. **MOTION PASSED** by roll call vote. Chesley, yes; Forgy, yes; Herrboldt, yes; Gray, yes; Stratman, yes.

Respectfully submitted,



Carol Tellinghuisen  
Executive Secretary

**BOARD OF SOCIAL WORK EXAMINERS**  
**REVENUE SUMMARY**  
**FOR MONTH ENDING 02/28/19**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293000	0	0	0893000	719		2019	08	\$ 89,200.00	\$ 2,360.00
6503	4920045			0893000	719		2019	08	\$ 2,131.80	\$ -
									\$ 91,331.80	\$ 2,360.00

BOARD OF SOCIAL WORK EXAMINERS  
EXPENDITURE SUMMARY REPORT  
FOR MONTH ENDING 02/28/19

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0893000	719		2019	08	\$ 1,980.00	\$ 420.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0893000	719		2019	08	\$ 151.47	\$ 32.13
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0893000	719		2019	08	\$ 911.40	\$ 188.16
6503	5203100	0	0	LODGING/IN-STATE	0893000	719		2019	08	\$ 370.20	\$ 57.00
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0893000	719		2019	08	\$ 160.00	\$ 32.00
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0893000	719		2019	08	\$ 250.00	\$ 250.00
6503	5204080	0	0	LEGAL CONSULTANT	0893000	719		2019	08	\$ 11,388.38	\$ 4,543.42
6503	5204090	0	0	MANAGEMENT CONSULTANT	0893000	719		2019	08	\$ 61,425.46	\$ 6,763.12
6503	5204180	0	0	COMPUTER SERVICES-STATE	0893000	719		2019	08	\$ 9.32	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0893000	719		2019	08	\$ 1,492.50	\$ 540.17
6503	5204204	0	0	RECORDS MGMT SERVICES	0893000	719		2019	08	\$ 195.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0893000	719		2019	08	\$ 445.20	\$ -
6503	5204360	0	0	ADVERTISING-NEWSPAPER	0893000	719		2019	08	\$ 985.90	\$ -
6503	5204510	0	0	RENTS-OTHER	0893000	719		2019	08	\$ 2,985.90	\$ 300.00
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0893000	719		2019	08	\$ 130.00	\$ 8.00
6503	5205320	0	0	PRINTING-COMMERCIAL	0893000	719		2019	08	\$ 3,105.05	\$ 286.08
										\$ 85,985.78	\$ 13,420.08

**FOR MONTH ENDING 02/28/19**[illegible]



## 2019 Senate Bill 31 - Enrolled

## AN ACT

ENTITLED, An Act to revise certain provisions regarding criminal background checks for assistant behavior analysts and paraprofessionals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-38-25 be amended to read:

36-38-25. Any assistant behavior analyst or paraprofessional who delivers applied behavior analysis services under the extended authority and direction of a behavior analyst shall submit to a criminal background investigation, by means of fingerprint checks by the Division of Criminal Investigation. The behavior analyst who supervises the assistant behavior analyst or paraprofessional is responsible for any fees charged for the cost of fingerprinting or the criminal background investigation as required by this section. Each criminal record provided to the board under this section is confidential. The board may use the records only in determining an assistant behavior analyst's or paraprofessional's eligibility to be supervised by an applied behavior analyst for the delivery of applied behavior analysis.

An Act to revise certain provisions regarding criminal background checks for assistant behavior analysts and paraprofessionals.

I certify that the attached Act originated in the SENATE as Bill No. 31  _____ Secretary of the Senate	Received at this Executive Office this _____ day of _____, 20____ at _____ M.  By _____ _____ for the Governor
_____ President of the Senate	The attached Act is hereby approved this _____ day of _____, A.D., 20____  _____ Governor
Attest:  _____ Secretary of the Senate	STATE OF SOUTH DAKOTA, Office of the Secretary of State Filed _____, 20____ at _____ o'clock ____ M.
_____ Speaker of the House	_____ Secretary of State
Attest:  _____ Chief Clerk	By _____ Asst. Secretary of State
Senate Bill No. <u>31</u> File No. _____ Chapter No. _____	

## 2019 Senate Bill 32 - Enrolled

## AN ACT

ENTITLED, An Act to revise the composition of the South Dakota Board of Social Work Examiners.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-26-3 be amended to read:

36-26-3. The South Dakota Board of Social Work Examiners consists of seven members, two of whom shall be lay members, four of whom shall be certified social workers licensed under the provisions of this chapter to engage in private independent practice, and one of whom shall be a social worker professional licensed under the provisions of this chapter who has practiced in the state for at least two years. The Governor shall appoint all of the members.

An Act to revise the composition of the South Dakota Board of Social Work Examiners.

I certify that the attached Act originated in the SENATE as Bill No. 32	Received at this Executive Office this _____ day of _____, 20____ at _____ M.
_____ Secretary of the Senate	By _____ for the Governor
_____ President of the Senate	The attached Act is hereby approved this _____ day of _____, A.D., 20____
Attest:	_____ Governor
_____ Secretary of the Senate	STATE OF SOUTH DAKOTA, ss.
_____ Speaker of the House	Office of the Secretary of State
Attest:	Filed _____, 20____ at _____ o'clock ____ M.
_____ Chief Clerk	_____ Secretary of State
Senate Bill No. 32	By _____
File No. _____	Asst. Secretary of State
Chapter No. _____	

## 2019 House Bill 1111 - Enrolled

## AN ACT

ENTITLED, An Act to provide for professional or occupational licensure for certain active duty military personnel and spouses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-1B-1 be amended to read:

36-1B-1. Notwithstanding any other provision in law and unless an applicant is found by the board to have engaged in any act that may constitute grounds for disciplinary action, any licensing body under the provisions of this title shall, within thirty days of receiving a completed application, issue a license, certificate, registration, or permit required for the practice of any business, profession, or occupation in South Dakota to an applicant whose application has been deemed completed by the board and:

(1) Who holds in good standing the same or similar valid license, certificate, registration, or permit required for the practice of any business, profession, or occupation issued by another state or the District of Columbia;

(2) Who is an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States; and

(3) Who is the subject of a military transfer to South Dakota.

An application is considered complete once the applicable licensing board has received all required documentation necessary to process the application.

If a licensing body denies the issuance of a license, certificate, registration, or permit to an applicant pursuant to this section, the licensing body shall report the denial and the reasons for the denial to the Department of Labor and Regulation.

Section 2. That chapter 36-1B be amended by adding a NEW SECTION to read:

Any license, certificate, registration, or permit issued pursuant to § 36-1B-1 may be renewed until any of the following events occur:

(1) Active duty orders transfer the applicant out of South Dakota;

(2) The applicant no longer holds in good standing the same or similar valid license, certificate, registration, or permit required for the practice of any business, profession, or occupation issued by another state or the District of Columbia;

(3) The applicant fails to adhere to the requirements of the applicable South Dakota licensing body to maintain license, certificate, registration, or permit; or

(4) The full-time active duty status of the member of the armed forces stationed in South Dakota is terminated.

Section 3. That § 36-1B-4 be amended to read:

36-1B-4. No licensing body under this title may charge an application fee or any other fee payable to the licensing body for a license, certificate, registration, or permit issued pursuant to § 36-1B-1. For the purposes of this section, the term, permit, does not include any permit referenced in this title that is required to perform installation work subject to inspection.

Section 4. That § 36-1B-5 be amended to read:

36-1B-5. Each licensing body under the provisions of this title may promulgate rules pursuant to chapter 1-26 to establish procedures to provide for the expedited issuance of a license, certificate, registration, or permit pursuant to § 36-1B-1.

Section 5. That § 36-1B-2 be repealed.

Section 6. That § 36-1B-3 be repealed.

Section 7. That § 13-42-67 be amended to read:

13-42-67. Unless there is cause to refuse to issue the certificate pursuant to §§ 13-42-7 to 13-42-10, inclusive, the secretary shall, within thirty days of receiving a completed application, issue a teaching certificate to an applicant whose application has been deemed completed by the Department

of Education and:

- (1) Who holds in good standing a valid certificate issued by another state or the District of Columbia;
- (2) Who is an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States; and
- (3) Who is the subject of a military transfer to South Dakota.

An application is considered complete once the department has received all required documentation necessary to process the application. No applicant for a certificate issued pursuant to this section is required to pay an application fee or any other fee payable to the department.

If the secretary denies the issuance of a certificate to an applicant pursuant to this section, the secretary shall report the denial and the reasons for the denial to the Department of Labor and Regulation.

Section 8. That § 13-42-69 be amended to read:

13-42-69. Any certificate issued pursuant to § 13-42-67 shall be limited for a period not to exceed the applicant's length of tour during the time the holder of the certificate continues to meet the eligibility requirements of § 13-42-67. Nothing in this section prohibits the secretary from suspending or revoking the certificate for failure to fulfill the requirements of § 13-42-67.

Section 9. That chapter 36-1B be amended by adding a NEW SECTION to read:

Nothing in this Act may be construed to override, supersede, or invalidate any compact or agreement already in place within any profession regulated under titles 13 or 36.

Nothing in this Act prohibits any active duty military member or military spouse from seeking a professional license, certification, registration, or permit as otherwise provided in law for any profession regulated under titles 13 or 36.

An Act to provide for professional or occupational licensure for certain active duty military personnel and spouses.

I certify that the attached Act originated in the the HOUSE as Bill No. 1111  <div style="text-align: right;">_____ Chief Clerk</div>	Received at this Executive Office this ____ day of _____, 20____ at _____ M.  <div style="text-align: right;">By _____ for the Governor</div>
Attest:  <div style="text-align: right;">_____ Speaker of the House</div>	The attached Act is hereby approved this ____ day of _____, _____, A.D., 20____  <div style="text-align: right;">_____ Governor</div>
Attest:  <div style="text-align: right;">_____ Chief Clerk</div>	STATE OF SOUTH DAKOTA,  Office of the Secretary of State Filed _____, 20____ at _____ o'clock ____ M.
Attest:  <div style="text-align: right;">_____ President of the Senate</div>	ss.  <div style="text-align: right;">_____ Secretary of State</div>
Attest:  <div style="text-align: right;">_____ Secretary of the Senate</div>	By _____ Asst. Secretary of State
House Bill No. <u>1111</u> File No. _____ Chapter No. _____	

## 2019 House Bill 1155 - Enrolled

## AN ACT

ENTITLED, An Act to provide for certain privileged communications between social workers and students.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 19-19-508.1 be amended to read:

19-19-508.1. No counselor or school psychologist, certificated in accordance with the certification regulations of the South Dakota Board of Education Standards, or social worker licensed under chapter 36-26 and regularly employed as a counselor, school psychologist, or social worker for a private or public elementary or secondary school or school system in the State of South Dakota, may divulge to any other person, or be examined concerning any information or communication given to the counselor, school psychologist, or social worker in the counselor's, school psychologist's, or social worker's official capacity by a student unless:

- (1) This privilege is waived in writing by the student; or
- (2) The information or communication was made to the counselor, school psychologist, or social worker for the express purpose of being communicated or of being made public; or
- (3) The counselor, school psychologist, or social worker has reason to suspect, as a result of that information or communication, that the student or some other persons have been subjected to child abuse or that the student's physical or mental health or the physical or mental health of other persons may be in jeopardy.

An Act to provide for certain privileged communications between social workers and students.

I certify that the attached Act originated in the HOUSE as Bill No. 1155  _____ Chief Clerk	Received at this Executive Office this _____ day of _____, 20____ at _____ M.  By _____ _____ for the Governor
_____ Speaker of the House Attest:	The attached Act is hereby approved this _____ day of _____, _____, A.D., 20____  _____ Governor
_____ Chief Clerk _____ President of the Senate Attest:	STATE OF SOUTH DAKOTA, Office of the Secretary of State Filed _____, 20____ at _____ o'clock ____ M.  _____ Secretary of State
_____ Secretary of the Senate House Bill No. <u>1155</u> File No. _____ Chapter No. _____	By _____ _____ Asst. Secretary of State

**Jill Lesselyoung**

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**From:** Jill Lesselyoung <proflic@rushmore.com>  
**Sent:** Thursday, March 14, 2019 3:08 PM  
**To:** 'Carol Tellinghuusen'  
**Subject:** FW: Press Release: Funding Available to Support Training and Education Events for Professionals Around Opioid Abuse/Misuse in South Dakota



Strong Families - South Dakota's Foundation and Our Future

South Dakota Department of Social Services  
700 Governors Drive  
Pierre, SD 57501  
[dss.sd.gov](http://dss.sd.gov)

**For Immediate Release:** Thursday, Feb. 28, 2019  
**Media Contact:** Tia Kafka, 605-773-3165

## **Funding Available to Support Training and Education Events for Professionals Around Opioid Abuse/Misuse in South Dakota**

PIERRE, S.D. – The Department of Social Services (DSS) will be providing funding to support education or training to professionals in combatting the opioid epidemic. Funding will support South Dakota organizations or associations, including tribal entities, in planning and hosting training events around opioid use and misuse.

The effort is supported by South Dakota's State Targeted Response to the Opioid Crisis and State Opioid Response, two federal grants provided through the Substance Abuse and Mental Health Services Administration to combat opioid addiction. The funding supports a comprehensive array of prevention, treatment, and recovery services based on the needs of states.

"Nationally, states have seen significant increases in opioid use," said SD Department of Social Services Secretary Greg DeSautel, MD. "While South Dakota's rate remains low, we have seen an increase in use."

Training supported by this opportunity includes but is not limited to best practices for prescribing opioids, pain management, recognizing potential cases of substance use disorder, referral of patients to treatment programs, overdose prevention, increased awareness of the state's Prescription Drug Monitoring Program, and education and awareness related to opioid use/misuse and related topics including Medication Assisted Treatment.

"This funding will support evidenced-based knowledge so behavioral health and health care providers are able to increase their professional competency regarding the dangers of opioids," said Dr. DeSautel.

Eligible applicants include South Dakota-based organizations or associations that provide direct services and support to populations affected by opioid overdose, as well as those that offer training and education to professionals who serve those populations. Applications are available at [dss.sd.gov](http://dss.sd.gov) and will be accepted on an ongoing basis as grant funds are available.

For more information about behavioral health services related to addiction or to find a behavioral health provider in your area, contact the Department of Social Services' Division of Behavioral Health at 605-367-5236, toll-free at 1-855-878-6057 or online at <http://dss.sd.gov/behavioralhealth/community/>

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Tia Kafka  
*Communications Director*  
South Dakota Department of Social Services  
605.773.3165 | [dss.sd.gov](http://dss.sd.gov)



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